

Todd M. Schneider (SBN 158253)
tschneider@schneiderwallace.com
Guy B. Wallace (SBN 176151)
gwallace@schneiderwallace.com
Andrew P. Lee (SBN 245903)
alee@schneiderwallace.com
SCHNEIDER WALLACE
COTTRELL BRAYTON KONECKY LLP
180 Montgomery Street, Suite 2000
San Francisco, CA 94104
Telephone: (415) 421-7100
Facsimile: (415) 421-7105

Class Counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TRISHA WREN and CYNTHIA PIPER,
et al., individually and on behalf of others
similarly situated,

Plaintiffs,
vs.

RGIS Inventory Specialists, LLC, RGIS,
LLC, and Does 1-25 Inclusive,

Defendants.

Case Nos. 3:06-cv-05778 JCS; 3:07-cv-00032 JCS

CLASS AND COLLECTIVE ACTION

**DECLARATION OF RICHARD M. PEARL IN
SUPPORT OF PLAINTIFFS'
MOTION FOR AWARD OF REASONABLE
ATTORNEYS' FEES, COSTS AND EXPENSES**

Date: January 28, 2011

Time: 9:30 a.m.

Dept: Courtroom A, 15th Floor

Judge: Hon. Joseph C. Spero

**DECLARATION OF RICHARD M. PEARL IN SUPPORT OF PLAINTIFFS'
MOTION FOR AWARD OF REASONBLE ATTORNEYS' FEES, COSTS AND EXPENSES**

I, Richard M. Pearl, declare as follows:

1. I am a member in good standing of the Bar of the State of California. This declaration is submitted in support of Plaintiffs' Motion for Award of Reasonable Attorneys' Fees.

2. Briefly summarized, my background is as follows: I am a 1969 graduate of Boalt Hall School of Law, University of California, Berkeley, California. I took and passed the California Bar Examination in August 1969, but because I was working in Atlanta, Georgia for the Legal Aid Society of Atlanta (LASA), I was not admitted to the California Bar until January 1970. I worked for LASA until summer of 1971, when I then went to work in California's Central Valley for California Rural Legal Assistance, Inc., (CRLA), a statewide legal services program. From 1977 to 1982, I was CRLA's Director of Litigation, supervising more than fifty attorneys. In 1982, I went into private practice, first in a small law firm, then as a sole practitioner. Martindale Hubbell rates my law firm "AV." I also have been selected as a Northern California "Super Lawyer" in Appellate Law for 2005, 2006, 2007, 2008, and 2010. A copy of my Resume is attached hereto as Exhibit A.

3. Since 1982, my practice has been a general civil litigation and appellate practice, with an emphasis on cases and appeals involving court-awarded attorneys' fees. I have lectured and written extensively on court-awarded attorneys' fees. I have been a member of the California State Bar's Attorneys Fees Task Force and have testified before the State Bar Board of Governors and the California Legislature on attorneys' fee issues. I am the author of California Attorney Fee Awards, (3d ed Cal. CEB 2010). I also was the author of California Attorney Fee Awards, 2d Ed. (Calif. Cont. Ed. of Bar 1994), and its 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008 Supplements. This treatise has been cited by the California appellate courts on more than 35 occasions. *See, e.g., Lolley v. Campbell* (2002) 28 Cal.4th 367, 373; *Chacon v. Litke* (2010) 181 Cal.App.4th 1234, 1259. I also authored the 1984, 1985, 1987, 1988, 1990, 1991, 1992, and 1993 Supplements to its predecessor, CEB's California Attorney's Fees Award Practice. In addition, I authored a federal manual on attorneys' fees entitled Attorneys' Fees: A Legal Services Practice Manual, published by the Legal Services Corporation. I also co-authored the chapter on

1 “Attorney Fees” in Volume 2 of CEB’s Wrongful Employment Termination Practice, 2d Ed. (1997).

2 4. More than 90% of my practice is devoted to issues involving court-awarded attorney’s
 3 fees. I have been counsel in over 150 attorneys’ fee applications in state and federal courts,
 4 primarily representing other attorneys. I also have briefed and argued more than 40 appeals, at least
 5 25 of which have involved attorneys’ fees issues. In the past dozen or so years, I have successfully
 6 handled four cases in the California Supreme Court involving court-awarded attorneys’ fees: 1)
 7 *Delaney v. Baker* (1999) 20 Cal.4th 23, which held that heightened remedies, including attorneys’
 8 fees, are available in suits against nursing homes under California’s Elder Abuse Act; 2) *Ketchum v.*
 9 *Moses* (2001) 24 Cal.4th 1122, which held, *inter alia*, that contingent risk multipliers remain
 10 available under California attorney fee law, despite the United States Supreme Court’s contrary
 11 ruling on federal law (note that in *Ketchum*, I was primary appellate counsel in the Court of Appeal
 12 and “second chair” in the Supreme Court); 3) *Flannery v. Prentice* (2001) 26 Cal.4th 572, which
 13 held that in the absence of an agreement to the contrary, statutory attorneys’ fees belong to the
 14 attorney whose services they are based upon; and 4) *Graham v. DaimlerChrysler Corp.* (2004) 34
 15 Cal.4th 553, which I handled, along with trial counsel, in both the Court of Appeal and Supreme
 16 Court. I also successfully represented the plaintiffs in a previous attorneys’ fee decision in the
 17 Supreme Court, *Maria P. v. Riles* (1987) 43 Cal.3d 1281, and represented *amicus curiae*, along with
 18 Richard Rothschild, in *Vasquez v. State of California* (2009) 45 Cal.4th 243. I also have handled
 19 several Ninth Circuit attorneys’ fees matters, including *Davis v. City & County of San Francisco*
 20 (9th Cir. 1992) 976 F.2d 1536, *Mangold v. CPUC* (9th Cir. 1995) 67 F.3d 1470, *Velez v. Wynne* (9th
 21 Cir. 2007) 2007 U.S.App.LEXIS 2194, and *Camacho v. Bridgeport Financial, Inc.* (9th Cir. 2008)
 22 523 F.3d 973. For an expanded list of my reported decisions, see Exhibit A.

23 5. I have been asked by Class Counsel to express my opinion as to the reasonableness of
 24 the hourly rates and overall fee award they are requesting in this case. To form this opinion, I have
 25 reviewed several documents in the case, including the Declaration of Judge Edward A. Infante (Ret.)
 26 in Support of Final Approval, the Declaration of Guy Wallace in Support of Preliminary Approval,
 27 the Declaration of Guy B. Wallace in Support of Plaintiffs’ Motion for an Award of Reasonable
 28 Attorneys Fees, Costs And Expenses, the Declaration of David Borgen on the same subject and

1 others.

2 6. It is my understanding that Class Counsel request an attorneys' fee award, based on
3 the lodestar method, of \$11.38 million. I also have been informed that: 1) based on the settlement,
4 the class will recover \$13 million, a sum that was negotiated prior to and separately from the fee
5 amount; 2) the fee requested represents a discount from counsel's full lodestar, based on a
6 significant exercise of billing judgment; and 3) the class was notified of counsel's intent to seek an
7 \$11.38 million attorneys' fee as part of the settlement, and that no class members have filed
8 objections to those fees as of the date of this filing.

9 **COUNSEL'S HOURLY RATES ARE REASONABLE**

10 7. I have been informed of the hourly rates requested by Plaintiffs' counsel, as set forth
11 in Mr. Wallace's declaration. In formulating my opinion, I have reviewed Plaintiffs' counsel's
12 qualifications, background, and experience, as well as examples of their work in this case. I also
13 have worked on several occasions with Guy Wallace, lead counsel for the class, and his firm,
14 Schneider Wallace Cottrell Brayton Konecky LLP (hereafter "Schneider Wallace"), as well as with
15 the attorneys at Goldstein, Demchak, Baller, Borgen & Dardarian ("Goldstein Demchak"). I can say
16 without qualification that Mr. Wallace is one of the best attorneys I have worked with: he is
17 thorough as to both the facts and the law, tenacious, creative, and an excellent writer. Mr. Borgen
18 deservedly is viewed as a leading figure in the plaintiffs' wage and hour class action bar. In my
19 work with other attorneys at Schneider Wallace and Goldstein Demchak, I have always found their
20 work to be top-rate, as good as any law firm's. In my opinion, therefore, Counsel's requested rates
21 are within the range of market rates charged by Bay Area attorneys of equivalent experience, skill,
22 and experience for comparable work in the area of complex, class action litigation.

23 8. Through my writing and practice, I have become familiar with the non-contingent
24 market rates charged by attorneys in California and elsewhere. This familiarity has been obtained in
25 several ways: (1) by handling attorneys' fee litigation; (2) by discussing fees with other attorneys;
26 (3) by obtaining declarations regarding prevailing market rates in cases in which I represent
27 attorneys seeking fees; and (4) by reviewing attorneys' fee applications and awards in other cases, as
28 well as surveys and articles on attorney's fees in the legal newspapers and treatises.

9. The information I have gathered, some of which is summarized below, shows that the rates requested by Plaintiffs' counsel are in line with the non-contingent market rates charged by attorneys of reasonably comparable experience, skill, and reputation for reasonably comparable services.

a. **Rates found reasonable in other cases.**

Set forth below are rates that were found reasonable by the courts in the following cases:

(1) *Savaglio, et al. v. WalMart*, Alameda County Superior Court No. C-835687-7, Order Granting Class Counsel's Motion for Attorneys' Fees, filed September 10, 2010, a wage and hour class action, in which the court found the following 2010 hourly rates reasonable (before applying a 2.36 multiplier):

<u>Years of Experience</u>	<u>Rate</u>
51	\$875
39	750
38	600
33	775
25	550
23	650
21	625
19	610
18	600
17	585
16	570
15	560
14	550
13	525
12	515
11	510
10	505
9	500
7	460
4	435
Law Clerks	125-260

(2) *Santa Fe Pointe, L.P. v. Greystone Servicing Corp.* (N.D.Cal. 2009) 2009 U.S.Dist.LEXIS 100448, a business litigation matter, in which the court found the following 2009 hourly rates reasonable:

<u>Years of Experience</u>	<u>Rate</u>
20	\$675
2	350
4	250
Law Clerks	150

(3) *Kashmiri et al v. Regents of U.C., San Francisco Superior Court, Order Granting Plaintiffs' Motion for Common Fund Attorneys' Fees and Expenses, filed September 30, 2008, an action challenging unlawful student fees, in which the court found the following 2008 rates reasonable (before applying a 3.7 lodestar multiplier):*

<u>Years of Experience</u>	<u>Rate</u>
40	\$750
22	690
14	590
7	420
4	345
2	295
Law Clerks	200
Paralegals	195

(4) *Environmental Law Foundation v. Laidlaw Transit, Inc., San Francisco Superior Court No. CGC-06-451832, Order Granting Motion for Court Approval of Parties Joint Stipulated Judgment, filed September 22, 2008, an environmental enforcement action, in which the court found the following 2008 hourly rates reasonable in a Proposition 65 action (before applying a 1.25 multiplier):*

<u>Years of Experience</u>	<u>Rate</u>
29	\$750
26	700
24	700
23	650
18	650
16	625
14	600
10	560
9	495-575
8	475
7	450
6	395
4	325

2	300
1	250
Paralegals	145-175
Interns	125

(5) *Gardner v. Schwarzenegger*, Alameda County Superior Court No. RG06-278911, Order After Hearing filed April 20, 2009, *aff'd by unpublished opinion*, 2010 Cal.App.Unpub.LEXIS 1240, in which the court found the following 2008 rates reasonable (before applying a 1.75 multiplier):

<u>Years of Experience</u>	<u>Rate</u>
17	\$640
14	590
8	445

b. **Rate Information from Surveys and Other Cases.**

10. I have reviewed numerous declarations and depositions filed in other cases, as well as various surveys of legal rates. For example, a 2009 survey of bankruptcy rates in Delaware and the Southern District of New York show that numerous partners now bill at \$1,000 per hour or above. *See Kolzi*, Bankruptcy Rates Top \$1,000 Mark in 2008-09, *The American Lawyer*, Dec. 16, 2009, attached hereto as Exhibit B. Exhibit B also shows that the *median* partner rates for several national firms, many of which practice in California, range from \$690 to \$980 per hour. It is my understanding that firms claiming fees in the bankruptcy courts must attest that their requested rates are no higher than the firm ordinarily charges for comparable non-bankruptcy work. I also believe that the firms listed above that practice in California charge the same rates for comparable work in California.

11. Similarly, the Westlaw CourtExpress Legal Billing Reports for May, August, and December 2009 (attached hereto as Exhibit C) shows that attorneys with as little as 19 years' experience are charging \$800 per hour or more, and that the rates requested here are well within the range of those reported. Similarly, the National Law Journal's December 7, 2009, nationwide sampling of law firm billing rates lists 25 firms whose highest rate is \$800 per hour or more, 9 firms

1 whose highest rate is \$900 per hour or more, and 4 firms whose highest rate is \$1,000 per hour or
 2 more.

3 12. I also have obtained information regarding the standard hourly rates for litigation
 4 undertaken on a non-contingent basis by numerous California law firms and national law firms with
 5 significant California offices. That information includes hourly rates charged by the following law
 6 firms, listed in alphabetical order:

7 Adams Broadwell Joseph Cardoza

8 2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
29	\$700
20	650
15	550
11	495
6	375
3	300
Paralegals	145

15 Altshuler Berzon LLP

16 2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
32	\$775
15	625
8	475
Law Clerks	200
Paralegals	195

21 2007 Rates:

<u>Years Experience</u>	<u>Rate</u>
23	\$700
15	550
5	325
Paralegals	155-190

25 Bingham McCutchen

26 2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
-------------------------	-------------

1	13	\$655
	4	480
2	2	400

3

4 Cooley Godward Kronish LLP

5 2008 Rates:

6	<u>Years Experience</u>	<u>Rate</u>
7	Partners	\$525-980
8	Associates	285-570

9 2007 Rates:

10	<u>Years Experience</u>	<u>Rate</u>
11	Partners	\$470-875 (average \$673)
12	Associates	250-555 (average \$403)

Coughlin Stoia Geller Rudman & Robbins, LLP

13 2007 Rates:

14	<u>Years Experience</u>	<u>Rate</u>
15	42	\$700
	19	600
16	14	650
	14	600
17	13	585
	11	510
18	6	460
19	5	285

20 Duane Morris LLP

21 2009 Rates:

22	<u>Years Experience</u>	<u>Rate</u>
23	Partners	\$325-795
	Associates	225-450

24

25 Epstein Becker & Green LLP

26 2009 Rates:

27	<u>Years Experience</u>	<u>Rate</u>
28	Partners	\$350-855

Associates 180-475

Everett De Lano

2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
-------------------------	-------------

18	\$650
----	-------

Fenwick & West

2007 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$500-775 (average \$590)
Associates	245-500 (average \$370)

Furth Firm LLP

2010 Rates:

<u>Years of Experience</u>	<u>Rate</u>
----------------------------	-------------

51	\$875
----	-------

39	750
----	-----

38	600
----	-----

33	775
----	-----

25	550
----	-----

23	650
----	-----

21	625
----	-----

19	610
----	-----

18	600
----	-----

17	585
----	-----

16	570
----	-----

15	560
----	-----

14	550
----	-----

13	525
----	-----

12	515
----	-----

11	510
----	-----

10	505
----	-----

9	500
---	-----

7	460
---	-----

4	435
---	-----

Law Clerks	125-260
------------	---------

Gibson, Dunn & Crutcher LLP

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	
26	\$905
32	840
21	785
Associates	
5	525
4	495
3	470
2	400
1	345
Paralegals	165-300

Greines, Martin, Stein & Richland

2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
39	\$850
17	650
15	500
8	450
6	450
Law Clerks	100

Howard, Rice, Nemerovski, Canady, Falk & Rabkin

2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
45	\$840

2008 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$515-795
Associates	275-510

Klee, Tuchin, Bogdanoff & Stern LLP

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	
35	\$925
25	850
18	675
14	650
11	575
Of Counsel	
11	575
Associates	
7	495
5	430
2	300
Paralegals	215

Loeb & Loeb

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$475-950
Associates	285-450

2008 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$450-925
Associates	260-500

Manatt, Phelps & Philips

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$495-850
Associates	250-505

Morrison Foerster

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
24	\$750

2008 Rates:

<u>Years Experience</u>	<u>Rate</u>
45	\$675
36	725
33	785
14	650
12	600
9	560
7	535
5	485
1	520
Paralegals	185-230

2007 Rates:

<u>Years Experience</u>	<u>Rate</u>
44	\$675
11	550
8	520
6	475
3	250

O'Melveny & Myers

2009 Rates:

<u>Years Experience</u>	<u>Rate</u>
36-37	\$860-950
21	820
16-18	700-710
14	595-675
10	590
8	565
7	540-565
5-6	480-520
2-4	395-450
Paralegals	225-310

Patton Boggs

2010 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	
14	\$830
29	750
20	750
33	700
27	700
13	575
24	550
14	530
Of Counsel	
30	600
15	500
Associates	
5	475
9	450
7	425
3	340
2	315
Senior Paralegals	200-265
Paralegals	170

Reed Smith

2008 Rates:

<u>Years Experience</u>	<u>Rate</u>
Partners	\$375-900 (average \$626)
Associates	235-580 (average \$423)

Townsend and Townsend and Crew

2009 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	\$480-750
Associates	260-460

Wilson Sonsini Goodrich & Rosati PC

2010 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	\$650-975
Associates	290-610
Paralegals/Litigation	
Support Staff	120-300

Winston & Strawn

2009 Rates:

<u>Years of Experience</u>	<u>Rate</u>
Partners	\$400-995
Associates	210-670

Law Offices of Edward Wynne

2009 Rates:

<u>Years of Experience</u>	<u>Rate</u>
17	\$640-675

THE TOTAL FEE REQUEST IS REASONABLE

13. In my opinion, and based on the assumption that counsel's time records and work product support the number of hours for which compensation is requested, the total attorneys' fees requested by Plaintiffs' attorneys here are eminently reasonable, based on the facts that: 1) counsel's fee request is *less* than counsel's lodestar; 2) the obviously complex nature of this litigation, and the difficulties and obstacles overcome; 3) the significant risks taken by Plaintiffs' counsel, for which no separate compensation has been requested; and 4) the excellent results obtained for the class.

14. **Counsel's Fee Request Is Less Than Their Lodestar.** Given that the purpose of the fee-shifting statutes that underlie Plaintiffs' fee request is to *fully compensate* class counsel who are willing to serve as private attorneys general and vindicate the significant employment rights at issue here, and that if counsel were to pursue this case through trial, they would be entitled to such compensation, the fact that they are willing to take less than their full lodestar as a compromise to settle the case bespeaks volumes about the overall reasonableness of Plaintiffs' request. In many if not most successful wage and hour class actions, class counsel seek -- and are often awarded -- a significant multiplier of their lodestar, sometimes as much as 3 – 4 times that figure; that class counsel here are willing to accept even less than they could have billed to a fee-paying client in my opinion tends to show that the fee request is reasonable.

15. Moreover, given the relatively low damages recoverable for each class member because of hourly wages in the \$10-15 range with relatively small amounts of unpaid time at issue, the fact that the class damages exceed the Plaintiffs' fee request at all is somewhat remarkable; as Plaintiffs' counsel point out, the purpose of the fee-shifting provisions that underlie Plaintiffs' fee request is to encourage counsel to vindicate fundamental employment rights, regardless of the total amount at stake, by guaranteeing full market compensation even if the fees exceed the damages recovered.

16. **The Complex Nature of this Litigation, and the Difficulties and Obstacles Overcome.** The obviously complex nature of this litigation, as well as the difficulties and obstacles that Plaintiffs' counsel have overcome, is aptly described in Mr. Wallace's lengthy declaration in

support of this motion. In my opinion, the facts that: 1) this class action involved an opt-in class action under federal law, as well as claims under the laws of four different states; 2) that class-wide waiting/preparation time claims of this sort are novel and inherently difficult, both as to class certification and liability on the merits; 3) that the class claims were not based on one source, such as a company-wide manual, but the practices in hundreds of different offices; and 4) that the Defendant had the resources to retain skilled counsel who could and did take a highly-aggressive response to the litigation, all support the total fee that Plaintiffs' counsel request.

17. **The Significant Risk Taken by Plaintiffs' Counsel.** In the legal marketplace, lawyers who assume a significant financial risk on behalf of their clients rightfully expect that their compensation will be significantly greater than it would be if no risk or delay was involved, *i.e.*, under the traditional arrangement where the client is obligated to pay for costs and fees incurred on a monthly basis. In my experience, attorneys are willing to enter into such contingency fee arrangements only if they can expect to receive significantly higher effective hourly rates in successful cases, particularly in cases that are expected to be hard fought and where the result is uncertain. As the courts have recognized, such arrangements do not result in any "windfall" or undue "bonus" for the attorney; rather, they are *earned compensation*, reflecting the need for the legal services market to compensate for the risk of non-payment for what can be thousands of hours of time spent and many thousands of dollars in costs and expenses advanced. Court-awarded fees that reflect that risk of loss simply make such representation competitive in the legal marketplace.

18. As Mr. Wallace's declaration explains, several factors made this case especially high risk, including the difficulties and uncertainties of winning cases like this, both in terms of unsettled wage and hour law and unsettled class certification law. *First*, the waiting time issues have not been extensively litigated on a class-wide basis, especially with classes as large as this one. The class certification issues were every bit as difficult and uncertain, as the Court of Appeal's *Brinker Restaurant Corp. v. Superior Court* (2008) 80 Cal.Rptr.3d 781, *review granted*, (2008) 85 Cal.Rptr.3d 688, so starkly illustrates. Moreover, the record here that was necessary to obtain class certification and then defeat the Defendant's motions to decertify the class was as extensive, time-consuming, and risky as most trials on the merits. It is not uncommon for class certification to be

1 denied in such cases, particularly in the face of an all-out assault by the employer as occurred here;
2 had class certification been denied here, either pre-trial or on appeal, counsel's extraordinary
3 investment of time and money into this case would have been lost.

4 19. *Second*, over a four-year period, Plaintiffs' counsel have spent 20,100 attorney hours
5 and over 13,600 paralegal and legal assistant hours, hours that would have gone uncompensated if
6 this case had been lost or class certification not achieved. Assuming attorneys bill approximately
7 1800 hours a year, this is close to eleven (11) *years* of uncompensated work if this case had not been
8 successful. Plaintiffs' counsel also are out-of-pocket more than \$1.9 million for costs and expenses;
9 this money also would have been lost if the case had not been successfully resolved.

10 20. *Third*, RGIS had more than ample resources to resist suits of this nature. It also had a
11 well-deserved reputation for vigorously resisting employee lawsuits against it, and it has employed
12 highly competent lawyers from preeminent law firms to mount its defenses.

13 21. *Fourth*, class certification was won, and the merits of the case preserved, only after
14 extensive, hard-fought litigation. Settlement simply was not possible until these victories had been
15 won. All of these facts show the extraordinary risk taken by Plaintiffs' counsel.

16 22. I have reviewed extensive evidence of the contingency fee percentages charged by
17 law firms to sophisticated institutional clients in large damage cases. In my experience, when
18 corporate or government clients hire law firms to litigate large claims on a contingent fee basis,
19 the contracts provide for fees in a range between 10 and 50 percent of the recovery. *See Fisk,*
20 *Corporate Firms Try Contingency*, National Law Journal (Oct. 27, 1997) p. A1. Based on that
21 knowledge and my experience in the attorneys' fees field generally, it is my opinion that if
22 competent and experienced attorneys and a sophisticated client were to negotiate a contingency
23 fee agreement under the circumstances of this case, a sophisticated client would be more than
24 willing to enter into a retainer agreement for a contingent fee under which: a) the client would owe
25 no fees unless the case was successful; b) the attorneys would pay all litigation expenses; and c)
26 the attorneys would recover, if successful, 42% of the cash fund recovered, and no percentage for
27 the value of any injunctive relief obtained.
28

23. **The Excellent Results Obtained.** In the legal marketplace, law firms that obtain excellent or exceptional results for their clients can and do expect that those results will be reflected in their fees. Here, the results obtained are excellent – a \$13 million fund that provides virtually full relief to a total class of over 60,000 persons, as well as injunctive relief that will require RGIS finally to conform its policies and practices to federal and state law. Especially in light of this injunctive relief, which must be valued in the tens of millions of dollars, the fee requested here, which is 42% of the total cash recovery, is perfectly consistent with the percentage of fees to fund recovered that have been approved and awarded in numerous other class actions.

24. **Encouraging Settlement.** By settling this case before trial rather than continuing to litigate issues that remain somewhat unsettled, counsel have obtained excellent results for the class at far less expense to the parties, their counsel, and the courts. They also have obtained those results more quickly and surely than if the matter had been litigated to final resolution through the appellate process. This factor also supports counsel's requested fee. *See Lealao v. Beneficial California, Inc.* (2000) 82 Cal.App.4th 19, 52

25. **The Public Service Performed by Plaintiffs' Counsel.** The public interest served by Plaintiffs' lawsuit also supports the enhancement sought. *See State v. Meyer* (1985) 174 Cal.App.3d 1061, 1073 (the "public service element ... and motivation to represent consumers and enforce laws" may justify lodestar enhancement). In this case, class counsel have enforced fundamental wage and hour laws against a major nationwide employer. The fundamental importance of these laws has been repeatedly recognized by the courts, by Congress, and by the state legislatures. An award of the fees requested here will encourage other attorneys to take on similar cases and deter RGIS and other employers from engaging in similar practices.

26. **The Continuing Obligations of Counsel to the Class.** The fee also is reasonable in light of the continuing obligations counsel will have to the more than 60,000 class members. Those future fees are included within this request, even though they are not included in the lodestar, thus reducing the effective hourly compensation. Counsel may also have to defend any court approval of the settlement and/or fee award on appeal.

1 27. The expense and risk of public interest litigation has not diminished over the years; to
2 the contrary, these cases are in many ways more difficult than ever. As a result, fewer and fewer
3 attorneys and firms are willing to take on such litigation, and the few who are willing to do so can
4 only continue if their fee awards reflect true market value.

5 28. To fully compensate attorneys and firms who represent public interest plaintiffs on a
6 contingency basis, attorneys' fee awards must be enhanced by a contingent risk multiplier. Public
7 interest attorneys assume tremendous financial risk when taking cases on a contingent fee basis,
8 particularly when the case results in protracted litigation causing substantial delay in payment and
9 fronting of litigation expenses.

10 If called as a witness, I could and would competently testify from my personal knowledge to
11 the facts stated herein.

12 I declare under penalty of perjury under the laws of the United States that the foregoing is true
13 and correct.

14
15 Executed this 3rd day of December, 2010 at Berkeley, California.

16
17
18 
19 RICHARD M. PEARL

EXHIBIT A

RESUME OF RICHARD M. PEARL

RICHARD M. PEARL
LAW OFFICES OF RICHARD M. PEARL
1816 Fifth Street
Berkeley, CA 94710
(510) 649-0810
(510) 548-5074 (facsimile)
rpearl@interx.net (e-mail)

EDUCATION

University of California, Berkeley, B.A., Economics (June 1966)
Boalt Hall School of Law, Berkeley, J.D. (June 1969)

BAR MEMBERSHIP

Member, State Bar of California (admitted January 1970)
Member, State Bar of Georgia (admitted June 1970) (inactive)
Admitted to practice before all California State Courts; the United States Supreme Court; the United States Court of Appeals for the District of Columbia and Ninth Circuits; the United States District Courts for the Northern, Central, Eastern, and Southern Districts of California, for the District of Arizona, and for the Northern District of Georgia; and the Georgia Civil and Superior Courts and Court of Appeals.

EMPLOYMENT

LAW OFFICES OF RICHARD M. PEARL (April 1987 to Present): Civil litigation practice ("AV" rating), with emphasis on court-awarded attorney's fees, class actions, and appellate practice.

QUALIFIED APPELLATE MEDIATOR, APPELLATE MEDIATION PROGRAM, Court of Appeal, First Appellate District (October 2000 to Present).

ADJUNCT PROFESSOR, HASTINGS COLLEGE OF THE LAW (January 1988 to Present): Teach "Public Interest Law Practice," a 2-unit course that focuses on the history, strategies, and issues involved in the practice of public interest law.

PEARL, McNEILL & GILLESPIE, Partner (May 1982 to March 1987): General civil litigation practice, as described above.

RICHARD M. PEARL

Page 2

CALIFORNIA RURAL LEGAL ASSISTANCE, INC. (July 1971 to September 1983) (part-time May 1982 to September 1983):

Director of Litigation (July 1977 to July 1982)

Responsibilities: Oversaw and supervised litigation of more than 50 attorneys in CRLA's 15 field offices; administered and supervised staff of 4-6 Regional Counsel; promulgated litigation policies and procedures for program; participated in complex civil litigation.

Regional Counsel (July 1982 to September 1983 part-time) Responsibilities: Served as co-counsel to CRLA field attorneys on complex projects; provided technical assistance and training to CRLA field offices; oversaw CRLA attorney's fee cases; served as counsel on major litigation.

Directing Attorney, Cooperative Legal Services Center (February 1974 to July 1977) (Staff Attorney February 1974 to October 1975)

Responsibilities: Served as co-counsel on major litigation with legal services attorneys in small legal services offices throughout California; supervised and administered staff of four senior legal services attorneys and support staff.

Directing Attorney, CRLA McFarland Office (July 1971 to February 1974) (Staff Attorney July 1971 to February 1972)

Responsibilities: Provided legal representation to low income persons and groups in Kern, King, and Tulare Counties; supervised all litigation and administered staff of ten.

HASTINGS COLLEGE OF THE LAW, Instructor, Legal Writing and Research Program (August 1974 to June 1978)

Responsibilities: Instructed 20 to 25 first year students in legal writing and research.

CALIFORNIA AGRICULTURAL LABOR RELATIONS BOARD, Staff Attorney, General Counsel's Office (November 1975 to January 1976, while on leave from CRLA)

Responsibilities: Prosecuted unfair labor practice charges before Administrative Law Judges and the A.L.R.B. and represented the A.L.R.B. in state court proceedings.

ATLANTA LEGAL AID SOCIETY, Staff Attorney (October 1969 to June 1971)

Responsibilities: Represented low income persons and groups as part of 36-lawyer legal services program located in Atlanta, Georgia.

RICHARD M. PEARL

Page 3

PUBLICATIONS

Pearl, *California Attorney Fee Awards, Third Edition* (Cal. Cont. Ed. Bar 2010)

Pearl, *California Attorney Fee Awards, Second Edition* (Cal. Cont. Ed. Bar 1994), and 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008 Supplements

Graham v. DaimlerChrysler Corp. and Tipton-Whittingham v. City of Los Angeles, Civil Litigation Reporter (Cal. Cont. Ed. Bar Feb. 2005)

Current Issues in Attorneys' Fee Litigation, California Labor and Employment Law Quarterly (September 2002 and November 2002)

Flannery v. Prentice: Shifting Attitudes Toward Fee Agreements and Fee-Shifting Statutes, Civil Litigation Reporter (Cal. Cont. Ed. Bar Nov. 2001)

A Practical Introduction to Attorney's Fees, Environmental Law News (Summer 1995)

Wrongful Employment Termination Practice, Second Edition (Cal. Cont. Ed. Bar 1997) (co-authored chapter on "Attorney Fees")

California Attorney's Fees Award Practice (Cal. Cont. Ed. Bar 1982) (edited), and 1984 through 1993 Supplements

Program materials on attorney fees, prepared as panelist for CEB program on "Attorneys' Fees: Practical and Ethical Considerations in Determining, Billing, and Collecting" (October 1992)

Program materials on "Attorney's Fees in Administrative Proceedings" California Continuing Education of the Bar, prepared as panelist for CEB program on "Effective Representation Before California Administrative Agencies" (October 1986)

Program materials on "Attorney's Fees in Administrative Proceedings" California Continuing Education of the Bar, prepared as panelist for CEB program on "Attorneys' Fees: Practical and Ethical Considerations" (March 1984)

Settlers Beware/The Dangers of Negotiating Statutory Fee Cases, (September 1985) Los Angeles Lawyer

Program Materials on "Remedies Training" (Class Actions), Sponsored by Legal Services Section, California State Bar, San Francisco (May 1983)

Attorneys' Fees: A Legal Services Practice Manual (Legal Services Corporation 1981)

RICHARD M. PEARL

Page 4

PUBLIC SERVICE

Member, Attorneys' Fee Task Force, California State Bar

Vice President, Board of Directors, California Rural Legal Assistance Foundation

REPRESENTATIVE REPORTED CASES

Boren v. California Department of Employment
(1976) 59 Cal.App.3d 250

Cabrera v. Martin
(9th Cir. 1992) 973 F.2d 735

Camacho v. Bridgeport Financial, Inc.
(9th Cir. 2008) 523 F.3d 973

Campos v. E.D.D.
(1982) 132 Cal.App.3d 961

Center for Biological Diversity v. County of San Bernardino
(2010) ____ Cal.App.4th ____

Committee to Defend Reproductive Rights v. A Free Pregnancy Center
(1991) 229 Cal.App.3d 633

David C. v. Leavitt
(D. Utah 1995) 900 F.Supp. 1547

Delaney v. Baker
(1999) 10 Cal.4th 23

Employment Development Dept. v. Superior Court (Boren)
(1981) 30 Cal.3d 256

Environmental Protection Information Center, Inc. v. Pacific Lumber Co.
(N.D. Cal. 2002) 229 F. Supp.2d 993, *aff'd* (9th Cir. 2004) 103 Fed. Appx. 627

Flannery v. Prentice
(2001) 26 Cal. 4th 572

RICHARD M. PEARL

Page 5

Representative Reported Cases (cont.)

Graham v. DaimlerChrysler Corp.
(2004) 34 Cal. 4th 553

Horsford v. Board of Trustees of Univ. of Calif.
(2005) 132 Cal.App.4th 359

Ketchum v. Moses
(2001) 24 Cal.4th 1122

Kievan v. Dahlberg Electronics
(1978) 78 Cal.App.3d 951, *cert. denied* (1979)
440 U.S. 951

Lealao v. Beneficial California, Inc.
(2000) 82 Cal.App.4th 19

Lewis v. California Unemployment Insurance Appeals Board
(1976) 56 Cal.App.3d 729

Local 3-98 etc. v. Donovan
(N.D. Cal. 1984) 580 F.Supp. 714,
aff'd (9th Cir. 1986) 792 F.2d 762

Mangold v. California Public Utilities Commission
(9th Cir. 1995) 67 F.3d 1470

Maria P. v. Riles
(1987) 43 Cal.3d 1281

Martinez v. Dunlop
(N.D. Cal. 1976) 411 F.Supp. 5
aff'd (9th Cir. 1977) 573 F.2d 555

McSomebodies v. Burlingame Elementary School Dist.
(9th Cir. 1990) 897 F.2d 974

McSomebodies v. San Mateo City School Dist.
(9th Cir. 1990) 897 F.2d 975

Moore v. Bank of America
(9th Cir. 2007) 2007 U.S. App. LEXIS 19597

RICHARD M. PEARL

Page 6

Representative Reported Cases (cont.)

Moore v. Bank of America

(S.D. Cal. 2008) 2008 U.S. Dist. LEXIS 904

Mora v. Chem-Tronics, Inc.

(S.D. Cal. 1999) 1999 U.S. Dist. LEXIS 10752,
5 Wage & Hour Cas. 2d (BNA) 1122

Pena v. Superior Court of Kern County

(1975) 50 Cal.App.3d 694

Ponce v. Tulare County Housing Authority

(E.D. Cal 1975) 389 F.Supp. 635

Ramirez v. Runyon

(N.D. Cal. 1999) 1999 U.S. Dist. LEXIS 20544

Rubio v. Superior Court

(1979) 24 Cal.3d 93 (amicus)

Sokolow v. County of San Mateo

(1989) 213 Cal. App. 3d. 231

S.P. Growers v. Rodriguez

(1976) 17 Cal.3d 719 (amicus)

Tongol v. Usery

(9th Cir. 1979) 601 F.2d 1091,
on remand (N.D. Cal. 1983) 575 F.Supp. 409,
revs'd (9th Cir. 1985) 762 F.2d 727

Tripp v. Swoap

(1976) 17 Cal.3d 671 (amicus)

United States (Davis) v. City and County of San Francisco

(N.D. Cal. 1990) 748 F.Supp. 1416, *aff'd in part*
and revs'd in part sub nom Davis v. City and County
of San Francisco (9th Cir. 1992) 976 F.2d 1536,
modified on rehearing (9th Cir. 1993) 984 F.2d 345

United States v. City of San Diego

(S.D.Cal. 1998) 18 F.Supp.2d 1090

RICHARD M. PEARL

Page 7

Representative Reported Cases (cont.)

Vasquez v. State of California

(2008) 45 Cal.4th 243 (amicus)

Velez v. Wynne

(9th Cir. 2007) 2007 U.S. App. LEXIS 2194

REFERENCES

Furnished upon request.

June 2010

EXHIBIT B

Font Size: 10pt

Bankruptcy Rates Top \$1,000 Mark in 2008-09

Amy Kotz
The American Lawyer
December 16, 2009

Print Share Email Reprints & Permissions Post a Comment

A review of bankruptcy rates in Delaware and the Southern District of New York shows that a handful of U.S.-based partners at Am Law 200 firms have inched above the \$1,000 rate barrier, making bankruptcy work as lucrative as it was plentiful in 2008 and 2009. Over a 12-month period ending August 2009, there were more than 13,000 billing rate entries submitted by law firms in the nation's two busiest bankruptcy courts, according to a new database compiled by ALM Media.

Among U.S.-based lawyers at Am Law 200 firms, Shearman & Sterling tax partner Bernie Pistillo topped the rate chart with an hourly fee of \$1,065 for his work on the bankruptcy of Stock Building Supply Holdings LLC, a building products supplier, in Delaware. (One solo practitioner in Pleasantville, N.Y., Alan Harris, surpassed Pistillo's rate, charging \$1,200 an hour for his work as special real estate litigation counsel on the bankruptcy of Digital Printing Systems in the Southern District of New York.) Eleven other U.S.-based Am Law 200 partners were in the \$1,000-plus club, according to the database. Gidwalader, Wickersham & Taft financial restructuring co-chair Deryck Palmer, a former Weil, Gotshai & Manges partner, billed Lyondell Chemical Co. at a rate of \$1,050 for work on its 2008 bankruptcy. Greenberg Traurig bankruptcy co-chair Bruce Zirnisky, who left Cadwalader last January, billed \$1,050 an hour as debtor's counsel for TH Agriculture and Nutrition LLC, as did White & Case global restructuring head Thomas Lauria for WCI Communities Inc., and Robert Pinous, the head of the corporate practice in Skadden, Arps, Slate, Meagher & Flom's Wilmington office, for Hayesa Lemmerz International Inc., an automotive wheel supplier.

Neal Stoll, a Skadden antitrust partner, and Sally Thurston, a Skadden tax partner, billed \$1,035 for work on the bankruptcies of VeraSun Energy Corp. and Hayes Lemmerz, respectively, while Latham & Watkins corporate finance chair Kirk Davenport billed at \$1,025 an hour for Dayton Superior Corp.'s filing. Paul, Weiss, Rifkind, Wharton & Garrison partners Carl Reisher and Richard Bronstein billed at \$1,025 for the Buffets Inc. bankruptcy. (Reisher is co-head of the firm's M&A practice and Bronstein is co-chair of its tax practice.) Simpson Thacher & Bartlett partners Lee Meyerson and litigator Michael Chepiga charged Lehman Brothers \$1,000 an hour on the sale of its brokerage to Barclays Bank PLC.

Absent from the \$1,000 club are Weil, Gotshai & Manges restructuring gurus Harvey Miller and Marcia Goldstein. Both clocked rates of \$950 an hour for their work on the Lehman Brothers and BearingPoint Inc. bankruptcies, respectively. Also, Kirkland & Ellis' James Spreyregen billed \$665 an hour for work on the bankruptcies of Lear Corp. and The Reader's Digest Association. And Jones Day partner Corinne Ball charged \$600 an hour for her work on Chrysler's filing.

Comparing the median partner rates among Am Law 200 firms in the database demonstrated that there are few bargains when it comes to Chapter 11 work. Among those charging median partner rates of more than \$900 an hour were Cadwalader, Cleary Gottlieb Steen & Hamilton; Davis Polk & Wardwell; Milbank, Tweed, Hadley & McCloy; Paul Weiss; Shearman & Sterling; Simpson Thacher; and Skadden. Firms with median partner billing rates between \$800 and \$900 were Gibson Dunn, Fried Frank, Latham, Paul Hastings, Weil Gotshai, and White & Case. Firms billing \$700 or below were Akin Gump Strauss Hauer & Feld, Kirkland, Sidley Austin, and Sonnenschein Nath & Rosenthal. (Medians can be deceiving, since some firms, such as Kirkland, had a difference of more than \$500 between its highest- and lowest-rate partners.)

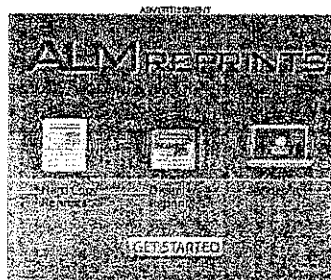
The bankruptcy case with one of the highest median partner rates was Nortel Networks. The phone equipment maker paid firms such as Cleary and Kirkland a median partner rate of \$940. Firms working on the Lehman filing billed a median partner rate of \$810 during the time period, while firms working on the filing of Tribune Co. billed a median of \$690, according to the database.

Associate rates occasionally topped \$700 an hour on bankruptcies including Lehman and Nortel Networks, as well as that of the lesser-known Sportsman's Warehouse. Discovery attorneys, research specialists and benefits consultants sometimes billed between \$500 and \$800 on cases such as Nortel, Charter Communications and Graphics Properties Holdings Inc.

FIRM	MEDIAN PARTNER RATE	# PARTNERS FILING
Simpson Thacher	\$980	30
Cleary Gottlieb	\$960	47
Shearman & Sterling	\$950	17
Davis Polk	\$948	14
Skadden	\$945	38
Paul Weiss	\$925	21
Cadwalader	\$900	29
Milbank	\$900	55
Weil Gotshai	\$843	142
Gibson Dunn	\$840	29
Fried Frank	\$83	518
Latham & Watkins	\$830	57
White & Case	\$825	21
Paul Hastings	\$810	46
Sidley Austin	\$700	99
Akin Gump	\$690	79



Top Stories From Law.com
Legal Technology
Public Performance in the Digital Age
Corporate Counsel
In the Crosshairs: GCs Can Ignore Financial
Fraud Risks at Their Peril
Small Firm Business
San Francisco Associate Wins \$1 Million in ESPN
Game



lawjobs.com

TOP JOBS
MATRIMONIAL LITIGATOR
CONFIDENTIAL SEARCH
Great Neck, NY

Associate General Counsel
Salem
Ration, VA

MORE JOBS >>
POST A JOB >>

ADVERTISEMENT

Law.com - Bankruptcy Rates Top \$1,000 Mark in 2008-09

<http://www.law.com/jsp/article.jsp?id=1202436371636&src=EMC...>

Kirkland	\$675	149
Schnitzler	\$626	47

*U.S.-based partners only.

The American Lawyer will publish a detailed analysis of the bankruptcy billing rates in its February 2010 issue.

[Click here to order the Excel® version of the 2009 Bankruptcy Billing Rates Report.](#)

This article first appeared on The Am Law Daily blog on AmericanLawyer.com.

[Print](#) [Share](#) [Email](#) [Reprints & Permissions](#) [Post a Comment](#)

[About ALM](#) | [About Law.com](#) | [Customer Support](#) | [Reprints](#) | [Privacy Policy](#) | [Terms & Conditions](#)
Copyright 2009, ALM Media Properties, LLC. All rights reserved.



EXHIBIT C

Westlaw CourtExpress

LEGAL BILLING REPORT

VOLUME 11, NUMBER 1

May 2009

BY BILLING RATE

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
					\$		\$
P. Kelly, Jr. Daniel	Davis Polk & Wardwell (CA)	1986	1996	CA	\$ 980.00	4.50	4,320.00
P. Cowan, Julia	Davis Polk & Wardwell (CA)	1990	1990	CA	\$95.00	17.90	16,235.60
P. Darnham, Scott	O'Mahony & Myers LLP (CA)	1975	1975	CA	\$65.00	1.10	546.00
P. Tuckin, Michael	Kleg, Tuckin, Bogdanoff & Stern, LLP	1990	1990	CA	\$50.00	0.50	475.00
P. Billock, Karen	Weil, Goshal & Manges LLP (CA)	1996	1996	CA	\$95.00	0.60	639.20
P. Arnold, Dennis	Gibson Dunn & Crutcher, LLP (CA)	1976	1976	CA	\$90.00	2.50	3,555.00
OC. Monts, Michael	Hampton Barnett & Dorman LLP	1979	1979	CA	\$60.00	65.20	48,552.00
P. Averch, Craig	White & Case LLP (CA)	1984	1984	CA	\$50.00	178.10	96,075.00
P. Kravtch, Ira D.	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1982	1982	CA	\$50.00	2.90	2,175.00
P. Kornfeld, Alan	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1987	1987	CA	\$75.00	0.80	580.00
P. Lamb, Peter	Davis Polk & Wardwell (CA)	2005	2005	CA	\$60.00	101.40	6,860.00
P. Inigo, Jaesow E.	Hampton Barnett & Dorman LLP	1978	1978	CA	\$50.00	10.10	6,860.00
P. Kavano, Harry	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1985	1985	CA	\$75.00	19.10	12,692.50
A. Gorach, Ronald	White & Case LLP (CA)	2001	2001	CA	\$55.00	176.20	17,173.00
P. Brown, Kenneth H.	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1977	1981	CA	\$50.00	27.30	17,743.00
P. Fitter, David	Rice, Tuckin, Bogdanoff & Stern, LLP	1997	1998	CA	\$50.00	23.10	15,015.00
P. Weismann, Henry	Munger Toles & Olson LLC	1987	1987	CA	\$50.00	0.50	375.00
P. Berlanthal, David M.	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1989	1993	CA	\$45.00	35.60	22,962.00
P. Moenigoway, Cromwell	Gibson Dunn & Crutcher, LLP (CA)	1987	1987	CA	\$35.00	0.80	598.00
P. Brown, Dennis	Munger Toles & Olson LLC	1970	1970	CA	\$25.00	17.80	11,155.00
A. Newman, Samuel	Gibson Dunn & Crutcher, LLP (CA)	2001	2001	CA	\$10.00	13.50	8,235.00
A. Delafren, Shira	White & Case LLP (CA)	2003	2003	CA	\$50.00	73.70	10,730.00
P. Vincent, Garth	Munger Toles & Olson LLC	1986	1988	CA	\$60.00	124.60	74,760.00
A. Scott, Melanie	White & Case LLP (CA)	2004	2004	CA	\$60.00	20.90	12,540.00
P. Buchanan, Laura	Kleg, Tuckin, Bogdanoff & Stern, LLP	1991	1991	CA	\$90.00	0.20	118.00
A. Ger Kwang-chen, B.	Weil, Goshal & Manges LLP (CA)	2003	2003	CA	\$80.00	28.50	16,530.00
A. Eorid, David	Gibson Dunn & Crutcher, LLP (CA)	2003	2003	CA	\$70.00	2.50	1,631.00
P. Holitz, Jeffrey	Munger Toles & Olson LLC	1984	1984	CA	\$50.00	33.10	19,305.00
P. Fried, Joshua	Pacholski Stang Ziehl Young Jones & Weintraub (CA)	1995	1995	CA	\$35.00	21.40	11,449.00
P. Patten, James	Munger Toles & Olson LLC	1997	1997	CA	\$25.00	25.60	3,545.00
A. Morse, Joshua	Hampton Barnett & Dorman LLP	2000	2000	CA	\$65.00	13.10	6,618.50
A. Malic, Michael	Weil, Goshal & Manges LLP (CA)	2005	2005	CA	\$95.00	38.50	18,260.00
A. Bershad, Melissa	Gibson Dunn & Crutcher, LLP (CA)	2006	2006	CA	\$70.00	14.00	6,580.00
A. Liu, Leslie	Weil, Goshal & Manges LLP (CA)	2006	2006	CA	\$65.00	45.90	21,343.50
A. Kautman, David	Munger Toles & Olson LLC	2005	2005	CA	\$50.00	508.30	256,735.00
A. Hochstetler, Brian	Munger Toles & Olson LLC	2002	2002	CA	\$35.00	0.30	130.50
A. Nathan, Joseph	Weil, Goshal & Manges LLP (CA)	2007	2007	CA	\$15.00	25.20	10,458.00
A. Jasper, M. Lance	Munger Toles & Olson LLC	2006	2006	CA	\$40.00	96.20	36,480.00
A. Evandorf, Barry	Munger Toles & Olson LLC	2006	2006	CA	\$40.00	8.60	3,570.00
A. Rubin, Erendira E.	O'Mahony & Myers LLP (CA)	2006	2006	CA	\$35.00	8.40	3,318.00

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
A. Schneider, Bradley	Munger, Jones & Olson LLC	2004	2004	CA	\$ 385.00	1.30	\$ 385.00
A. Reason, Malinova	Wall, Goshal & Mancos LLP (CA)	2006	2006	CA	355.00	13.59	4,792.50
A. Guzman, Tanya	OMelvey & Myers LLP (CA)	2007	2007	CA	330.00	2.50	325.00
PP Nadia, Ross	OMelvey & Myers LLP (CA)				250.00	5.20	1,612.00
Fingerson, Kaitia	Pachuta Slag Ziehl Young Jones & Weintraub (CA)				225.00	27.60	6,210.00
Jurica, Patricia J.	Pachuta Slag Ziehl Young Jones & Weintraub (CA)				235.00	0.40	90.00
PP Pearson, Sarah	Kire, Tschin, Bergmann & Stern LLP			CA	215.00	1.90	468.50
PP Floyd, Kevin	Pierwysl Bennett & Dorman LLP				210.00	0.30	63.00
PP Kocals, Cheryl	Pachuta Slag Ziehl Young Jones & Weintraub (CA)				205.00	2.20	451.00
Chia Piman, Sherry	Pachuta Slag Ziehl Young Jones & Weintraub (CA)				125.00	2.60	325.00

Westlaw CourtExpress

LEGAL BILLING REPORT

VOLUME 11, NUMBER 2

August 2009

BY BILLING RATE

California rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
P. Tolles, Stephen L.	Gibson Dunn & Crutcher LLP (CA)	1982	1982	CA	\$ 860.00	0.10	\$6.00
P. Peabody, Thomas	Klee, Tuckin, Bogdanoff & Stern, LLP	1984	1984	CA	\$50.00	225.00	191,250.00
P. Tuckin, Michael	Klee, Tuckin, Bogdanoff & Stern, LLP	1990	1990	CA	\$50.00	74.40	53,140.00
P. Stern, David	Klee, Tuckin, Bogdanoff & Stern, LLP	1975	1975	CA	\$50.00	32.80	27,865.00
P. Isler, Paul S.	Gibson Dunn & Crutcher, LLP (CA)	1986	1986	CA	\$40.00	6.35	5,334.00
P. Arnold, Dennis	Gibson Dunn & Crutcher, LLP (CA)	1976	1976	CA	\$40.00	4.10	3,444.00
P. Timmons, Brian	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1991	1991	CA	\$20.00	72.80	59,856.00
P. Trifoglio, Robert	Well, Gushal & Manages LLP (CA)	1986	1986	CA	\$10.00	40.40	32,724.00
P. Ziehl, Dean A.	Pachulski, Siang Ziehl Young Jones & Weintraub (CA)	1978	1978	CA	\$75.00	20.30	19,138.50
P. Gilmore, Oakello	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1993	1993	CA	\$75.00	8.60	7,382.50
P. Averch, Craig	White & Case LLP (CA)	1984	1984	CA	\$50.00	189.20	141,900.00
P. Keller, Tobias	Jones Day (CA)	1990	1990	CA	\$50.00	1.90	1,425.00
P. Baker, James	Jones Day (CA)	1980	1980	CA	\$50.00	0.20	150.00
P. Winston, Eric D.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1999	1999	CA	\$40.00	7.10	5,254.00
P. Ong, Johanna Y.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1997	1997	CA	\$40.00	6.30	4,662.00
P. Konford, Alan	Pachulski, Siang Ziehl Young Jones & Weintraub (CA)	1987	1987	CA	\$25.00	10.10	7,322.50
A. Blork, Jeffrey E.	Sidley Austin Brown & Wood LLP (CA)	1997	1997	CA	\$20.00	110.90	77,830.00
P. Myers, Martin	Jones Day (CA)	1987	1987	CA	\$20.00	28.50	18,450.00
P. Gravitator, Daniel I.	Pachulski, Siang Ziehl Young Jones & Weintraub (CA)	1991	1991	CA	\$35.00	5.50	3,822.40
A. Gustafson, Mark E.	White & Case LLP (CA)	1998	1998	CA	\$85.00	117.70	80,824.50
P. Arash, Dora	Gibson Dunn & Crutcher, LLP (CA)	1995	1995	CA	\$75.00	38.40	28,983.00
A. Gorsich, Ronald	White & Case LLP (CA)	2001	2001	CA	\$65.00	221.80	147,297.50
P. Montgomery, Cornwell	Gibson Dunn & Crutcher, LLP (CA)	1997	1997	CA	\$35.00	2.50	1,587.50
A. Neuman, Samuel	Gibson Dunn & Crutcher, LLP (CA)	2001	2001	CA	\$10.00	11.50	7,015.00
A. Derahim, Shiva	White & Case LLP (CA)	2003	2003	CA	\$80.00	217.50	130,500.00
A. Scott, Miranda	White & Case LLP (CA)	2004	2004	CA	\$60.00	74.90	44,940.00
P. Trifoglio, Robert	Jones Day (CA)	1996	1996	CA	\$60.00	35.30	21,180.00
A. Gar Kwang-chen, B.	Well, Gushal & Manages LLP (CA)	2003	2003	CA	\$80.00	54.20	31,436.00
OC Metcalf, Brian	Klee, Tuckin, Bogdanoff & Stern, LLP	1998	1998	CA	\$75.00	12.40	7,130.00
A. Ezzell, David	Gibson Dunn & Crutcher, LLP (CA)	2003	2003	CA	\$70.00	0.50	285.00
C. Crosby IV, Peter	Jones Day (CA)	1984	1984	CA	\$55.00	13.30	7,514.50
A. Martin, Jill	White & Case LLP (CA)	2006	2006	CA	\$50.00	43.80	25,190.00
A. Cortez, Michael	Jones Day (CA)	2001	2001	CA	\$25.00	1.70	892.50
QC Brandt, Sara F.	Pachulski, Siang Ziehl Young Jones & Weintraub (CA)	1976	1976	CA	\$25.00	1.30	682.50
A. Makelle, Michael	Well, Gushal & Manages LLP (CA)	2005	2005	CA	\$50.00	175.30	87,550.00
A. Rodfory, Neal	Jones Day (CA)	2003	2003	CA	\$50.00	41.80	20,900.00
A. Heyn, Matthew	Klee, Tuckin, Bogdanoff & Stern, LLP	2003	2003	CA	\$35.00	111.80	55,341.00
A. Berchoud, Melissa	Gibson Dunn & Crutcher, LLP (CA)	2006	2006	CA	\$70.00	4.10	1,977.00
A. Liu, Leslie	Well, Gushal & Manages LLP (CA)	2006	2006	CA	\$85.00	302.70	140,755.50
A. Chun, Gabriel	White & Case LLP (CA)	2008	2008	CA	\$80.00	162.10	74,506.00

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
A Morrison, Kelley M	White & Case LLP (CA)	2008	2008	CA	\$ 460.00	105.50	\$ 48,530.00
A Hawk, Jonathan	White & Case LLP (CA)	2007	2007	CA	460.00	20.30	9,338.60
P Philip, Laurence	McKenna Long & Aldridge LLP (CA)	1997	1997	CA	450.00	15.00	6,750.00
P Larsen, J David	McKenna Long & Aldridge LLP (CA)	1997	1997	CA	460.00	10.00	4,600.00
A Guess, David	Klee, Tuchin, Boddanoff & Stern, LLP	2005	2005	CA	430.00	366.70	157,681.00
A Pogmanter, Courtney	Klee, Tuchin, Boddanoff & Stern, LLP	2005	2005	CA	430.00	23.20	9,976.00
A Dickerson, Matthew	Sidley Austin Brown & Wood LLP (CA)	2007	2007	CA	425.00	25.30	10,752.50
A Tran, William	Sidley Austin Brown & Wood LLP (CA)	2006	2006	CA	425.00	5.40	2,293.00
A Nathan, Joseph	Wei, Gelschal & Manages LLP (CA)	2007	2007	CA	415.00	61.50	29,523.50
A Wilson, Lynn S.	Gibson Dunn & Crutcher LLP (CA)	2008	2008	CA	400.00	4.00	1,600.00
A Simmonds, Ariella	Sidley Austin Brown & Wood LLP (CA)	2008	2008	CA	375.00	48.30	18,487.50
A Smerthan, Kevin	Klee, Tuchin, Boddanoff & Stern, LLP	2008	2008	CA	300.00	4.70	1,410.00
A Elliot, Kerli	Klee, Tuchin, Boddanoff & Stern, LLP	2008	2008	CA	300.00	2.10	630.00
LJB Forester, Leslie A.	Pachulski Shang Ziehl Young Jones & Weintraub (CA)				250.00	4.90	1,225.00
PP Harris, Denise A.	Pachulski Shang Ziehl Young Jones & Weintraub (CA)				225.00	8.50	1,912.50
PP Grezner, Michelle	McKenna Long & Aldridge LLP (CA)				215.00	40.00	8,720.00
PP Pasaron, Sandra	Klee, Tuchin, Boddanoff & Stern, LLP			CA	215.00	36.00	7,740.00
PP Brown, Thomas J.	Pachulski Shang Ziehl Young Jones & Weintraub (CA)				185.00	2.00	390.00
LJB Jones, Carla H.	Gibson Dunn & Crutcher LLP (CA)				165.00	0.50	82.50

Westlaw CourtExpress
LEGAL BILLING REPORT

VOLUME 11, NUMBER 3

December 2009

BY BILLING RATE

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
P Pachulski, Richard M.	Pachulski, Richard M.	1978	1978	CA	\$ 885.00	287.52	\$ 257,419.90
P Patterson, Thomas	Kline, Tuckin, Bogdanoff & Stern, LLP	1984	1984	CA	\$ 850.00	382.50	\$ 333,710.00
P Tuckin, Richard M.	Kline, Tuckin, Bogdanoff & Stern, LLP	1980	1980	CA	\$ 500.00	201.40	\$ 171,180.00
P Stern, David	Kline, Tuckin, Bogdanoff & Stern, LLP	1975	1975	CA	\$ 500.00	88.80	\$ 58,460.00
P Pachulski, Richard M.	Pachulski, Richard M.	1975	1975	CA	\$ 500.00	68.00	\$ 57,800.00
P Anicki, Dennis	Gibson Dunn & Crutcher, LLP (CA)	1975	1975	CA	\$ 425.00	1.00	\$ 425.00
P Ziehl, Dean A.	Pachulski, Richard M.	1978	1978	CA	\$ 820.00	258.25	\$ 211,406.25
P Thomas, Brian	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1981	1981	CA	\$ 820.00	240.80	\$ 197,282.00
P Upton, Duane	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1988	1988	CA	\$ 820.00	60.20	\$ 55,764.00
P Quinn, Robert B.	Pachulski, Richard M.	1981	1981	CA	\$ 785.00	157.30	\$ 284,053.50
P Richards, Jeremy	Pachulski, Richard M.	1980	1980	CA	\$ 785.00	158.50	\$ 284,053.50
P Ziehl, Dean A.	Pachulski, Richard M.	1978	1978	CA	\$ 785.00	94.00	\$ 74,730.00
P Ziehl, Dean A.	Pachulski, Richard M.	1978	1978	CA	\$ 785.00	20.30	\$ 16,139.50
P Whiston, Eric D.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1989	1989	CA	\$ 740.00	54.00	\$ 39,960.00
P Ong, Jonathan Y.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	1987	1987	CA	\$ 740.00	11.20	\$ 8,288.00
P Kornfeld, Alan	Pachulski, Richard M.	1987	1987	CA	\$ 725.00	10.10	\$ 7,322.50
P Graissman, David L.	Pachulski, Richard M.	1987	1987	CA	\$ 695.00	5.50	\$ 3,922.50
C Galin, Andrew	Pachulski, Richard M.	1983	1983	CA	\$ 685.00	3.40	\$ 2,353.00
P Parker, David	Pachulski, Richard M.	1988	1988	CA	\$ 675.00	60.80	\$ 41,040.00
P Mahoney, James	Pachulski, Richard M.	1987	1987	CA	\$ 675.00	16.60	\$ 11,203.00
P Arach, Dara	Gibson Dunn & Crutcher, LLP (CA)	1985	1985	CA	\$ 675.00	14.00	\$ 9,450.00
P Davies, Ron	Kline, Tuckin, Bogdanoff & Stern, LLP	1985	1985	CA	\$ 650.00	1.40	\$ 910.00
A Norman, Samuel	Gibson Dunn & Crutcher, LLP (CA)	2001	2001	CA	\$ 610.00	3.70	\$ 2,257.00
C Hachman, Henry	Pachulski, Richard M.	1987	1987	CA	\$ 585.00	108.50	\$ 69,376.00
A Norman, Victoria	Pachulski, Richard M.	1988	1988	CA	\$ 585.00	32.50	\$ 19,337.50
C Cho, Shifeng	Pachulski, Richard M.	1987	1987	CA	\$ 585.00	19.40	\$ 11,543.00
C Hachman, Jennifer	Pachulski, Richard M.	1987	1987	CA	\$ 575.00	57.80	\$ 33,120.00
A Dinkelman, Jennifer	Kline, Tuckin, Bogdanoff & Stern, LLP	1988	1988	CA	\$ 575.00	1.40	\$ 805.00
OC Metcalf, Brian	Kline, Tuckin, Bogdanoff & Stern, LLP	1989	1989	CA	\$ 575.00	0.70	\$ 402.50
OC Grapelli, Gina F.	Pachulski, Richard M.	1978	1978	CA	\$ 525.00	1.50	\$ 82.50
A Heyn, Matthew	Kline, Tuckin, Bogdanoff & Stern, LLP	2003	2003	CA	\$ 485.00	109.70	\$ 54,391.50
P Brown, William	Pachulski, Richard M.	1989	1989	CA	\$ 485.00	0.50	\$ 242.50
A Garzon, Melissa	Gibson Dunn & Crutcher, LLP (CA)	2006	2006	CA	\$ 470.00	2.10	\$ 987.00
A Liu, Leslie	Wells, Gohhai & Meneses, LLP (CA)	2006	2006	CA	\$ 465.00	9.80	\$ 4,557.00
A Phillips, Laurence	McKenna Long & Aldridge, LLP (CA)	1987	1987	CA	\$ 450.00	2.70	\$ 1,215.00
A Guest, David	Kline, Tuckin, Bogdanoff & Stern, LLP	2005	2005	CA	\$ 430.00	402.50	\$ 173,247.00
PP Santos, Joseph C.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	2008	2008	CA	\$ 380.00	4.90	\$ 1,248.00
PP Lech, Matthew	Kline, Tuckin, Bogdanoff & Stern, LLP	2008	2008	CA	\$ 300.00	10.50	\$ 4,980.00
LLR Forrester, Leslie A.	Quinn Emanuel Urquhart Oliver & Hedges, LLP	2008	2008	CA	\$ 250.00	20.30	\$ 5,075.00
	Pachulski, Richard M.			CA	\$ 250.00	4.90	\$ 1,225.00

California Rate Report

PROFESSIONAL	FIRM	GRADUATED	ADMITTED	STATE	RATE	HOURS	TOTAL
LIB Forester, Leslie A.	Pachuski Slano Ziehl Young Jones & Weintraub (CA)			\$	225.00	1.80	450.00
PP Harris, Denise A.	Pachuski Slano Ziehl Young Jones & Weintraub (CA)				225.00	47.90	10,771.50
PP Harris, Denise A.	Pachuski Slano Ziehl Young Jones & Weintraub (CA)				225.00	8.50	1,912.50
PP Harrison, Felice	Pachuski Slano Ziehl Young Jones & Weintraub (CA)				225.00	0.40	90.00
PP Gysiner, Michelle	Pachuski Slano Ziehl Young Jones & Weintraub (CA)				215.00	60.40	12,855.00
PP Pearson, Sandra	McKenna Lema & Aldridge LLP (CA)				215.00	52.40	11,286.00
PP Brown, Thomas J.	Klee, Tucker, Bogdanoff & Stern, LLP				195.00	59.75	11,051.25
PP Mameo, Mike	Pachuski Slano Ziehl Young Jones & Weintraub (CA)				195.00	6.00	1,170.00
PP Brown, Thomas J.	Pachuski Slano Ziehl Young Jones & Weintraub (CA)				195.00	2.00	390.00
LS Everhart, Christine	Pachuski Slano Ziehl Young Jones & Weintraub (CA)				180.00	3.00	540.00
PP Sabin, Andrew	McKenna Lema & Aldridge LLP (CA)				150.00	15.90	2,335.00
PP Bass, John	Pachuski Slano Ziehl Young Jones & Weintraub (CA)				150.00	0.90	130.00